

## Fiscal Estimate - 2009 Session

☒ Original      ☐ Updated      ☐ Corrected      ☐ Supplemental

<b>LRB Number</b> <b>09-2515/1</b>	<b>Introduction Number</b> <b>AB-0280</b>
<b>Description</b> Seizure of a computer used to commit a crime and providing a penalty	
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; flex-wrap: wrap;"><div style="width: 33%;"><input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate     <input type="checkbox"/> Increase Existing Appropriations     <input type="checkbox"/> Decrease Existing Appropriations     <input type="checkbox"/> Create New Appropriations</div><div style="width: 33%;"><input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues</div><div style="width: 33%;"><input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget                                     <input type="checkbox"/> Yes                      <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs</div></div> <b>Local:</b> <div style="display: flex; flex-wrap: wrap;"><div style="width: 33%;"><input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate     1. <input type="checkbox"/> Increase Costs                      3. <input type="checkbox"/> Increase Revenue        <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory        <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory     2. <input type="checkbox"/> Decrease Costs                     4. <input type="checkbox"/> Decrease Revenue        <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory        <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</div><div style="width: 33%;"><b>5. Types of Local Government Units Affected</b> <div style="display: flex; flex-wrap: wrap;"><div style="width: 33%;"><input type="checkbox"/> Towns <input type="checkbox"/> Counties <input type="checkbox"/> School Districts</div><div style="width: 33%;"><input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts</div><div style="width: 33%;"><input type="checkbox"/> Cities</div></div></div></div>	

## **Fiscal Estimate Narratives**

**DA 5/28/2009**

LRB Number	<b>09-2515/1</b>	Introduction Number	<b>AB-0280</b>	Estimate Type	<b>Original</b>
<b>Description</b>					
Seizure of a computer used to commit a crime and providing a penalty					

### **Assumptions Used in Arriving at Fiscal Estimate**

If this bill were to be enacted, it is difficult to estimate the potential cost to DA offices throughout the State because data is not available. Prosecutors are concerned that forfeiture cases involving computers could be extremely time consuming because they often are contested. In addition, to meet the burden of proof for computer cases requires proof of knowledge, intent, and consent of the owner.

### **Long-Range Fiscal Implications**

It is difficult to estimate a long-range fiscal impact of this bill on DA offices.

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<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
<b>Agency/Prepared By</b> DOJ/ Mark Rinehart (608) 264-9463	<b>Authorized Signature</b> Mark Rinehart (608) 264-9463	<b>Date</b> 8/14/2009

## **Fiscal Estimate Narratives**

**DOJ 8/14/2009**

LRB Number	<b>09-2515/1</b>	Introduction Number	<b>AB-0280</b>	Estimate Type	<b>Original</b>
<b>Description</b>					
Seizure of a computer used to commit a crime and providing a penalty					

### **Assumptions Used in Arriving at Fiscal Estimate**

The Department of Justice does not anticipate a fiscal impact due to the enactment of 2009 Assembly Bill 280.

### **Long-Range Fiscal Implications**

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<b>Agency/Prepared By</b> SPD/ Mike Tobin (608) 266-8259	<b>Authorized Signature</b> Krista Ginger (608) 264-8572	<b>Date</b> 5/29/2009

**Fiscal Estimate Narratives**  
**SPD 5/29/2009**

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<b>Description</b>					
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**Assumptions Used in Arriving at Fiscal Estimate**

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill does not provide for a new criminal offense, expand the definition of a criminal offense, or increase criminal penalties. The bill would authorize the seizure and civil forfeiture of computers used in criminal activity, if the owner knew of (and consented to) the criminal activity. The SPD would not be required or authorized to appoint attorneys for forfeiture proceedings under this bill, and therefore, the SPD does not anticipate any increase in its caseload if the bill is enacted. There may be criminal cases in which the attorney appointed by the SPD in the criminal case needs to provide information to the client or obtain documents related to the seizure of a computer. However, the SPD does not anticipate that the attorney time involved would be significant.

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. However, for the same reason that the SPD does not anticipate any impact on its caseload or expenditures, the counties are unlikely to see any increase in case appointments or costs.

**Long-Range Fiscal Implications**